

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

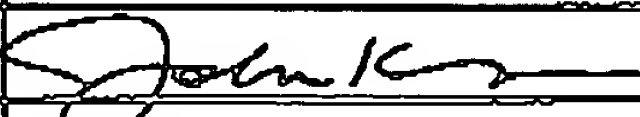
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/514,070	
	Filing Date	Feb. 28, 2000	
	First Named Inventor	BIEL	
	Art Unit	3739	
	Examiner Name	D. Shay	
Total Number of Pages in This Submission	3	Attorney Docket Number	22,272-14

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ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES PTO/SB/31 - 1 page	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) - 1 page	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Fulbright & Jaworski LLP -- John F. Klos, Esq.		RECEIVED OIPF/AD
Signature			
Printed name	John F. Klos		JUL 11 2005
Date	July 7, 2005	Reg. No.	37,162

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			Fax to (703) 872-9306
Typed or printed name	John F. Klos	Date	July 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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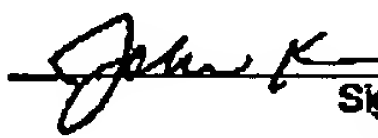
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PTO/SB/31 (04-05)

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 22,272-14	
In re Application of Merrill A. Biel			
Application Number 09/514,070		Filed February 26, 2000	
For PHOTODYNAMIC THERAPY UTILIZING A SOLUTION OF PHOTOSENSITIZING COMPOUND AND SURFACTANT			
Art Unit 3739		Examiner D. SHAY	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ 500.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ 250	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1212 (10111267)</u> . I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
I am the			
<input type="checkbox"/> applicant /inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,162</u>			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____			
		 Signature	
		John F. Klos Typed or printed name	
		(612) 321-2806 Telephone number	
		July 7, 2005 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

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